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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/806,393      | 03/23/2004  | Moriyasu Kanai       | P24799              | 2335             |

7055 7590 03/20/2006

GREENBLUM & BERNSTEIN, P.L.C.  
1950 ROLAND CLARKE PLACE  
RESTON, VA 20191

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| EXAMINER |
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PRITCHETT, JOSHUA L

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| ART UNIT | PAPER NUMBER |
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2872

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/806,393

Applicant(s)

KANAI, MORIYASU

Examiner

Joshua L. Pritchett

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-19 is/are allowed.
- 6) ☒ Claim(s) 1 and 5 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 6-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This action is in response to Amendment filed February 21, 2006. Claims 1-11 and 14-20 have been amended and claim 21 has been cancelled as requested by the applicant.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Steinhuber (US 6,204,966).

Steinhuber discloses an adjustment method for binocular magnifying glasses having a pair of magnifying glasses (Fig. 13) for right and left eyes (10) each of the pair of magnifying glasses having a magnifying optical system and a deflector deflecting an optical path of the magnifying optical system (Fig. 13) comprising rotating the pair of magnifying classes in direction opposite to each other using gamma-rotation (Fig. 13 dashed lines); and correcting inclination of an image, caused by the gamma-rotation, by rotating the pair of magnifying glasses in directions opposite to each other using the beta-rotation (col. 5 lines 48-55; Fig. 13), the gamma-rotation is about each of the axes  $X_L$  and  $X_R$ , which respectively correspond to visual

Art Unit: 2872

axes of the left and right eyes when an object distance is infinite in a condition of a primary position, and where beta-rotation is about each of the  $Y_L$  and  $Y_R$  axis are respectively perpendicular to the  $X_L$  and  $X_R$  and perpendicular to a z-axis which perpendicularly intersects the  $X_L$  at a position of the deflector for the left eye and the axis  $X_R$  at a position of the deflector for the right eye (Fig. 13).

*Allowable Subject Matter*

Claims 9-19 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 9 and 15, the prior art of record fails to teach or suggest a binocular magnifying pair for left and right eyes with a positive power in an eyepiece and a deflector including first, second, third, and fourth reflecting surfaces that has both gamma and beta rotations to satisfy the claim conditions.

The remaining claims depend from claims 9 and 15 and are allowable for the same reasons.

Claims 2-4 and 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2872

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach or suggest the claimed relationships for the rotation angle in the gamma and beta directions along with the deflection angle.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Response to Arguments*

Applicant's arguments filed February 21, 2006 have been fully considered but they are not persuasive.

Applicant argues that the prior art fails to teach or suggest the gamma and beta rotations being about two perpendicular axes. The examiner interprets the prior art as saying that the control slot (43) is rotatable and that the circular disc to which the control slot is attached is separately rotatable to adjust the inclination of the optical axes. The control slot is rotatable in the manner shown in Fig. 13 (an axis going into the page). The circular disc to adjust the inclination would be rotatable in a perpendicular direction (an axis going horizontally across the page). Thus, the prior art teaches the invention as claimed with respect to rotation about two perpendicular axes.

Art Unit: 2872

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua L. Pritchett whose telephone number is 571-272-2318.

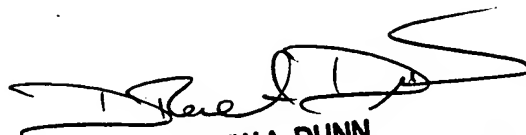
The examiner can normally be reached on Monday - Friday 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2872

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JLP *JP*

  
**DREW A. DUNN**  
**SUPERVISORY PATENT EXAMINER**